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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,747	08/29/2006	Marc Seidel	6097.P077	2599
8791 7590 09/01/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
BUCKLE JR, JAMES J				
ART UNIT		PAPER NUMBER		
3633				
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09/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/565,747

## Applicant(s)

SEIDEL, MARC

## Examiner

JAMES J. BUCKLE JR

## Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. The following is a Final Office action in response to a communication received on 5/1/2009. Claims 4-7, 9-10 and 14-17 have been amended. Currently claims 1-17 are pending and examined below.

### *Response to Amendment*

2. Applicant's amendment is sufficient to overcome the drawing rejections set forth in the office action dated 2/20/2009.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-3, 6-8, 13, 16, and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (referred to here within as (AAPA)).**

5. Regarding claims 1 and 13, AAPA discloses a tower (Fig. 5, Page 2, lines 19-29), for a wind energy turbine, comprising a first tower segment (1) having a wall comprising concrete material and a second tower segment (3) having a wall comprising steel, wherein the wall of the second tower segment comprises an end portion embedded in an embedment portion of the wall of the first tower segment, and wherein the second tower segment within its embedded end portion comprises a plurality of anchoring

elements (5,6) projecting radially from an inner surface of the wall of the second tower segment as well as the outer surface, the plurality of anchoring elements being arranged along an axial direction of the second tower segment to prevent internal force concentrations within the wall of the first tower segment.

6. Regarding claims 2 and 3, AAPA discloses the first and second tower segment as being tubular (Page 2, lines 19-29).

7. Regarding claim 8, AAPA discloses the plurality of anchoring elements being welded to the wall of the second tower segment (Fig. 5)

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

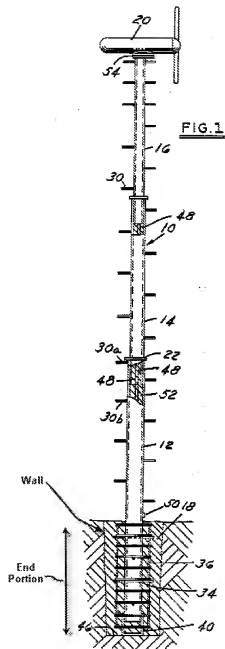
**9. Claims 1-3 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) in view of Applicant's Admitted Prior Art (AAPA).**

10. Regarding claims 1 and 13, Hanson discloses a tower (Fig. 1) for a wind generator comprising a first tower segment (18) having a wall (Wall) comprising concrete material (Col. 2, line 21) and a second tower segment (12) having a wall, wherein the wall of the second tower segment (12) comprises an end portion (End Portion) embedded in an embedment portion of the wall (Wall) of the first tower segment (18) and wherein the second tower segment (12) within its embedded end portion comprises a plurality of anchoring elements (34, 36) projecting radially from an

outer surface of the wall of the second tower segment (12), the plurality of anchoring elements being arranged along an axial direction of the second tower segment.

Hanson does not distinctly disclose the wall as comprising steel or a plurality of anchoring elements projecting radially from an inner surface of the wall. However, AAPA teaches in Fig. 5, Item 3 and page 2 Lines 19-20 a tubular steel tower and a plurality of anchoring elements (Items 5 and 6) projecting radially from an inner surface of the wall that is capable of preventing an internal force of concentrations within the wall of the first tower segment. Steel is a commonly known construction material utilized in the building industry to provide strength and rigidity to structures. The tubular tower comprising steel as taught by AAPA can be used to provide strength and rigidity for tall, heavy or large towers that support street lighting or freeway signs and a plurality of anchors to prevent the tower from vertical displacement. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the tubular tower of Hanson with steel as taught by AAPA to provide strength and rigidity to enhance the overall strength and rigidity of the structure and ensure stability of the second tower segment within the embedment portion.

11. Regarding claim 2, Hanson discloses the tower of Claim 1, wherein the first tower segment is tubular, and cylindrical (Col. 2, lines 18-27).
12. Regarding claim 3, Hanson discloses the tower of Claim 1, wherein the second tower segment is tubular and cylindrical (Column 2, Lines 18-27).



Reproduced from U.S. Patent No. 4,272,929

13. Regarding claim 9, Hanson discloses the wall of the first tower segment (18) further comprising a reinforcement element (40) in its embedded end portion.

14. Regarding claim 10, Hanson discloses the first tower segment that comprises concrete in its embedded end portion but does not specify the concrete as being "pre-stressed". However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pre-stressed concrete, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Further, pre-stressing will increase the strength of the concrete.

15. Regarding claim 11, Hanson discloses the first tower segment comprising "pre-stressing" element (36) axially extending through at least the embedment portion and arranged so as to face the outer surface of the embedded end portion of the second tower segment (12). The examiner notes the limitation of the elements being "pre-stressed" does not add structure to the elements.

16. Regarding claim 12, Hanson disclose the plurality of anchoring elements (34) that are arranged at the surface of the embedded end portion of the wall of the second tower segment and adjacent to the "pre-stressing elements (36) of the first tower segment (18).

**17. Claims 4-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) and Applicant's Admitted Prior Art (AAPA), further in view of Singleton et al. (U.S. Patent No. 2,987,855)**

18. Regarding claims 4-8 and 14-17, Hanson and AAPA discloses a tower as set forth above with a plurality of anchoring elements comprising a first type (6) of anchoring elements extending contiguously in a circumferential direction of the second tower having a free end portion opposite to the wall of the second tower segment and a second type of anchoring element (5) having at least sections of annular portion extending along the circumferential direction of the second tower segment, but does not disclose the free end portion being enlarged. However, Singleton et al. teaches that it is known to have a plurality of anchoring elements (Item 11, Fig. 1 and 3) welded to a surface of another structure that has an enlarged end portion comprising a headed stud (15), that is better suited to strengthen and help counteract forces as well as to attach another concrete that surrounds the structure for a more composite construction system. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the tower as disclosed by Hanson and AAPA with a first type of anchoring elements as taught by Singleton et al. to have a stronger composite construction system.

### ***Response to Arguments***

19. Applicant's arguments filed 5/1/2009 have been fully considered but they are not persuasive. Applicant argues that AAPA fails to disclose "a plurality of anchoring elements projecting radially from an inner surface of the wall of the second tower segment, the plurality of anchoring elements being arranged along an axial direction of



the second tower segment" and that the element 5 of AAPA is not an anchoring element.

20. In response to Applicant's arguments, Examiner respectfully disagrees. Examiner asserts that AAPA discloses a plurality of anchoring elements as claimed by the Applicant. Element 5, of AAPA, has an outer and inner segment that is arranged along an axial direction of the second tower segment and projects out radially from both an inner and outer surface of the wall of the second tower segment. Therefore, the Examiner considers the element 5 to meet the limitations of being an anchoring element as recited in claim 1. The Applicant further argues that element 5 is disclosed as being a reinforcing element (reinforcement steel). The Examiner contends that element 5 is capable of both reinforcing and anchoring the second tower segment and that the applicant has not made a clear distinction between the two elements in the claimed invention.

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gay Ann Spahn/  
Gay Ann Spahn, Primary Examiner  
August 29, 2009

/JJB/  
James J Buckle Jr  
Examiner, Art Unit 3633

